

### **REMARKS/ARGUMENTS**

**Amendments to Specification:** Applicants have amended the specification to recite SEQ ID NOs. where appropriate, to update references to patents and patent applications recited in the text and, in one instance (paragraph 137), to address informalities in the description of a particular sequence. No new matter is added by any of these minor changes. Their consideration and incorporation is respectfully requested.

#### **Amendments to Claims:**

1. **Background/Formalities:** Applicants appreciate the Examiner's remarks in the November 4, 2004 Office Action (hereinafter, "Office Action"). Prior to this Amendment, claims 1-13 were pending.<sup>1</sup> Of those 13 claims, claims 2-3 and 7-13 had been withdrawn from consideration, following a Restriction Requirement and Applicants' election of Group II (claims 1 and 4-6) for examination.

Applicants note that their previous Attorneys of Record<sup>2</sup> attempted to file the present application with a Preliminary Amendment on April 30, 2001. The Preliminary Amendment addressed various informalities in the specification and included a new set of claims modeled after the claims in the abandoned parent application (U.S. Pat. App. No. 09/041,491). The U.S. Patent Office accorded Applicants their April 30, 2001 filing date. However, on February 20, 2003, nearly two years later, the Office requested that Applicants file a substitute specification. Unaware that their April 30, 2001 Preliminary Amendment had not been entered, Applicants provided the Patent Office with a substitute specification on April 18, 2003, but did not refile the Preliminary Amendment. The Examiner examined the claims appearing in the substitute specification and Applicants, responding to the Examiner's December 13, 2003 Restriction Requirement, selected the claims of Group II, reciting methods of treatment utilizing relaxin-like factor, for further examination.

Applicants' arguments and amendments herein represent a complete response to the Examiner's Office Action of November 4, 2004.

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<sup>1</sup> Applicants note that the Office Action Summary incorrectly stated that claim 1-12 were pending.

**2. Description of Claim Amendments:** This Amendment cancels claims 1-13, including the claims previously under consideration. Applicants expressly reserve the right to pursue claims of equal or greater scope in the future. Applicants have replaced canceled claims 1 and 4-6 with new claims 14-17. Applicants note that the amino acid sequence of RLF recited in the new claims corrects an obvious error in the previously pending claims. The RLF sequences recited in the new claims correctly correspond to the human RLF sequence shown in Fig. 1 and certain truncated derivatives thereof.

As amended, Applicants' claims recite the use of relaxin-like factor ("RLF") in a method for *decreasing collagen synthesis by human cells*. Support can be found, *e.g.*, at page 13, lines 7-8, and in the originally filed claims (*e.g.*, claims 5 and 6). Additionally, Applicants have shown in the Examples that administration of RLF can decrease collagen synthesis by human cells. Specifically, Examples 6.6, 6.7, 6.7.1 and 6.7.2 show that RLF is effective at decreasing collagen synthesis by human cells. No new matter is added by any of the forgoing new claims.

With respect to the utility and therapeutic enablement of the full-length and truncated forms of RLF recited in the pending claims, Applicants note that claims drawn to pharmaceutical compositions comprising identical forms of RLF issued off the parent application for this case as U.S. Patent No. 5,911,997.

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<sup>2</sup> Bozicevic, Field & Francis LLP.

**CONCLUSION**

Applicants respectfully submit that the foregoing claim amendments directly and completely address the Examiner's arguments with respect to the enablement of the previously pending claims. In view of the foregoing amendments, Applicants believe the presently pending claims are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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